

Notice of Allowability

Application No.

09/768,115

Examiner

Chester T. Barry

Applicant(s)

JOHNSTON ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/23/04.
2. ☒ The allowed claim(s) is/are 63 and 64.
3. ☒ The drawings filed on 22 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Richards on 9/30/04.

The application has been amended as follows:

IN THE CLAIMS

In claim 64, as set forth in the 9/23/04 paper, the status identifier was changed from "(New)" to – (Previously presented) –.¹

The following is an examiner's statement of reasons for allowance:

The examiner agrees that after sintering, binder would no longer be present. USP 3545622 describes a molded block filter comprising an epoxy resin binder, but no bone charcoal, apatite, or hydroxyapatite is described. The block filter, used to dry fluorocarbon refrigerant of water, fails to suggest incorporation of apatite or bone charcoal or the like to the refrigerant block filter. The reference also describes advantages of using molded block filters rather than packed beds of loose particles. USP 5118655 to Pedersen discusses microbial decontamination of aqueous streams using apatite and discusses the molded filter block comprising binder and filtering

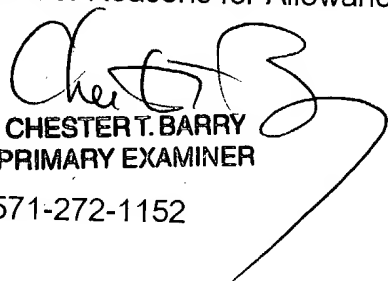
¹ Claim 64 was added as a new claim on October 20, 2003.

particles of USP 3545622, but does not suggest making an apatite / binder molded filter block. USP 3662893 is cited as example of a non-sintered molded binder/particle filter block used to filter "a fluid," but does not suggest that the block comprise apatite. USP 5681447 to Maycock describes decontamination of brine solutions using apatite in a packed bed column, but does not suggest forming rigid molded filter blocks from apatite and a binder.

In short, Although numerous prior art water filtration patents and publications describe filtration of water with apatite or the like, for a number of reasons, those references do not suggest formation of the loose powder into a molded block of apatite particles held together by non-sintered binder, resin, or the like.

Accordingly, claims 63 – 64 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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PRIMARY EXAMINER
571-272-1152